



infringement arguing that there was no genuine issue of material fact “to show that accused products possess . . . either a wireless network . . . or a second processor within the wireless network . . . that determines the location of the wireless mobile communications device.” *See id.* at 3-4. In granting Verizon’s motion, the EDTX court held, among other things, that “Traxcell ha[d] not provided sufficient evidence that the Verizon Navigator or the Google Maps applications (or any other navigation application) utilize a location that is determined on the network to display maps” because “the Google Maps [] application[] only utilized device locations that were calculated by the device.” *See id.* at 4-5. Traxcell appealed that ruling and, on October 12, 2021, the Federal Circuit affirmed. *See* Exhibit A at 21-23.

On January 13, 2021, Traxcell Technologies, LLC (“Traxcell”) filed the above-captioned complaint against Google alleging infringement of the same ’388 patent asserted in *Traxcell I*, as well as a related patent (*i.e.*, U.S. Patent No. 9,918,196 (“’196 patent”)) with substantially similar claim limitations as the ’388 patent. In response, on March 19, 2021, Google filed its Motion to Dismiss, which is now fully briefed. *See* Dkt. 15; *see also* Dkt. 19 (Traxcell’s Response); Dkt. 23 (Google’s Reply). As set forth in its Motion, Google argued that Traxcell’s claims should be dismissed on collateral estoppel grounds based on the EDTX’s summary judgement holding in *Traxcell I*. Although Traxcell acknowledged that a final judgment such as the EDTX court’s summary judgment order in *Traxcell I* “can serve as a basis for collateral estoppel,” Traxcell argued that “judicial economy is best served in waiting for the decisions on appeal.” Dkt. 19 at 2. The Federal Circuit has now affirmed the EDTX court’s summary judgement decision, further confirming that Traxcell’s complaint filed against Google in this Court is barred under collateral estoppel for the reasons set forth in Google’s Motion to Dismiss. *See* Exhibit A at 21-23; Dkt. 15, 23.

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Respectfully Submitted,

/s/ G. Blake Thompson

**G. Blake Thompson**

SBN: 24042033

Blake@TheMannFirm.com

**J. Mark Mann**

SBN: 12926150

Mark@TheMannFirm.com

MANN | TINDEL | THOMPSON

201 E. Howard Street

Henderson, Texas 75654

Tel: 903-657-8540

Michael A. Berta (admitted *pro hac vice*)

[michael.bertha@arnoldporter.com](mailto:michael.bertha@arnoldporter.com)

ARNOLD & PORTER KAYE SCHOLER LLP

Three Embarcadero Center

10th Floor

San Francisco, CA 94111-4024

Tel: 415-471-3277

Nicholas H. Lee (admitted *pro hac vice*)

[nicholas.lee@arnoldporter.com](mailto:nicholas.lee@arnoldporter.com)

ARNOLD & PORTER KAYE SCHOLER LLP

777 South Figueroa Street

44th Floor

Los Angeles, CA 90017-5844

Tel: 213-243-4156

Mark Samartino (admitted *pro hac vice*)

[mark.samartino@arnoldporter.com](mailto:mark.samartino@arnoldporter.com)

ARNOLD & PORTER KAYE SCHOLER LLP

70 West Madison Street

Suite 4200

Chicago, IL 60602-4231

Tel: 312-583-2437

Kathleen McCarte  
SBN: 24116734  
[kathleen.mccarte@arnoldporter.com](mailto:kathleen.mccarte@arnoldporter.com)  
ARNOLD & PORTER KAYE SCHOLER LLP  
700 Louisiana Street  
Suite 4000  
Houston, TX 77002-2755  
Tel: 713-576-2418

*ATTORNEYS FOR DEFENDANT  
GOOGLE LLC*

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on October 12, 2021, a true and correct copy of the foregoing document was served to the parties' counsel of record.

/s/ G. Blake Thompson  
**G. Blake Thompson**